



Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
July 09, 2014

DAWN M. CICA (NV BAR NO. 4565)  
MICAELA RUSTIA MOORE (NV BAR NO. 9676)  
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and Martifer Solar USA, Inc.*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

MARTIFER AURORA SOLAR, LLC, a  
Nevada limited liability company,

- ☐ Affects Martifer Aurora Solar, LLC  
☐ Affects Martifer Solar USA, Inc.  
☒ Affects all Debtors

Case Nos. BK-S-14-10355-abl and  
BK-S-14-10357-abl

Jointly Administered under  
Case No. BK-S-14-10355-abl

Chapter 11

**ORDER GRANTING DEBTORS'  
MOTION FOR APPROVAL, PURSUANT  
TO FED. R. BANKR. P. 9019, OF  
SETTLEMENT AGREEMENT WITH  
CATHAY BANK**

Hearing Date: July 8, 2014  
Hearing Time: 1:30 p.m.

FOX ROTHSCHILD LLP  
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1 The Court, having reviewed and considered Debtors'<sup>1</sup> Motion [ECF No. 1002(the  
2 "Motion")] for an order, pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure,  
3 for approval of the compromise embodied in the Settlement and Release Agreement with Cathay  
4 Bank ("Settlement Agreement") attached thereto, as amended; and upon consideration of the  
5 Declaration of Michael Tucker in support thereof [ECF No. 1006]; and the Debtor having  
6 appeared by and through its counsel, Fox Rothschild LLP, and all other appearances having been  
7 noted on the record; the Court having stated its findings of fact and conclusions of law on the  
8 record at the hearing on the Motion, which findings of fact and conclusions of law are  
9 incorporated herein by this reference in accordance with Federal Rule of Civil Procedure 52, as  
10 made applicable by Bankruptcy Rule 9014; and it appearing that the relief requested is warranted  
11 on the grounds, among others, that the Settlement Agreement: (a) was negotiated in good faith  
12 and is fair and equitable, (b) contemplates an immediate resolution of all disputes between the  
13 Debtors and Cathay on terms favorable to the Debtors; (c) avoids litigation that could prove to be  
14 protracted and expensive; and (d) is in the best interests of the Debtors, the Estates and the  
15 Debtors' creditors because, among other things, it (i) resolves issues between the Debtors and  
16 Cathay without the incurrence of additional expense, and (ii) creates the potential for recovery by  
17 unsecured creditors; and after due deliberation and sufficient cause appearing therefor, it is  
18 hereby

19 **ORDERED** that the Motion is GRANTED; and

20 **IT IS FURTHER ORDERED** that

- 21 1. The Settlement Agreement between the Debtors and Cathay is APPROVED;
- 22 2. The Debtors are authorized to take all actions contemplated by the Settlement
- 23 Agreement according to the terms and provisions thereof, including but not limited to making the
- 24 payments to Cathay required therein directly from the Sale Escrow without further Order of this
- 25 Court;

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27 <sup>1</sup>All capitalized, undefined terms shall have the meaning ascribed to them in the Motion.



**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement of approval in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

REED S. WADDELL  
FRANZEL ROBINS BLOOM &  
CSATO, L.C.  
COUNSEL FOR CATHAY BANK

SAM A. SCHWARTZ  
THE SCHWARTZ LAW FIRM, INC.  
COUNSEL FOR MARTIFER SOLAR, INC.

APPROVED / ~~DISAPPROVED~~

APPROVED / ~~DISAPPROVED~~

SCOTT FLEMING  
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SHIRLEY S. CHO  
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COUNSEL FOR THE OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS

APPROVED / ~~DISAPPROVED~~

APPROVED / ~~DISAPPROVED~~

FREDRIC SOSNICK  
SHEARMAN & STERLING LLP  
COUNSEL FOR BAYWA

APPROVED / ~~DISAPPROVED~~

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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